



121.68;

or removing particulate material from the surface of an optical disc. For these reasons, the Examiner asserted that these Groups are patentably distinct.

In response, applicants hereby elect, with traverse, the claims of Group I, specifically claims 1-14 and 24.

Applicants, however, respectfully request that the Examiner reconsider and withdraw the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application.

First, the inventions of the cited Groups are not independent. Under MPEP \$802.01, "independent" means there is <u>no</u> disclosed relationship between the subjects disclosed. Group I claims a method of deflashing IC packages. Group II claims an apparatus for deflashing IC packages. Thus, Groups I and II are necessarily related. The Applicants therefore maintain that the claims of these cited Groups are not "independent".

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Furthermore, under MPEP §803, there are two criteria for a proper restriction requirement: 1) the invention must be independent or distinct (discussed above), and 2) there must be a serious burden MPEP §803 on the Examiner if restriction is required. unambiguously provides that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." Applicants respectfully submit that there would not be a serious burden on the Examiner if restriction is not required between Groups I and II because a search for prior art material to the patentability of the claims of Group I would necessarily turn up the prior art material to the patentability of the claims of the remaining Since there is no burden on the Examiner to examine Groups I and II together in the subject application, it is therefore submitted that the Examiner should examine the claims of both Groups on the merits.

SUMMARY

In view of the foregoing, applicants maintain that the July 1, 2003 restriction requirement is not proper under 35 U.S.C. § 121 and respectfully request that the Examiner reconsider and withdraw the requirement.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee is deemed necessary in connection with the filing of this However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Date

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